

App. No. 10/727832  
Office Action Dated October 5, 2004  
Amd. Dated December 28, 2004

**Amendments to the Claims:**

This listing of claims will replace all prior versions and listing of claims in the application.

Claim 64 is amended.

**Listing of Claims:**

1-57 (Canceled)

58. (Previously Presented) A method for the assessment of at least one quantity parameter and/or at least one quality parameter of bacteria in a liquid analyte material, comprising

applying a volume of a liquid sample representing the analyte material, or bacteria isolated from a volume of liquid sample representing the analyte material, to an exposing domain from which exposing domain electromagnetic signals from the sample in the domain can pass to the exterior,

exposing, onto an array of active detection elements, an at least one-dimensional spatial representation of electromagnetic signals having passed from the domain, the representation being one which is detectable as an intensity by individual active detection elements, under conditions which will permit processing of the intensities detected by the array of detection elements during the exposure in such a manner that representations of electromagnetic signals from the bacteria are identified as distinct from representations of electromagnetic signals from background signals, and wherein the spatial representation exposed onto the array of detection elements is subject to such a linear enlargement that the ratio of the image of a linear dimension on the array of detection elements to the original linear dimension in the exposing domain is smaller than 10:1,

processing the intensities detected by the detection elements in such a manner that signals from the bacteria are identified as distinct from background signals,

and correlating the results of the processing to the at least one quantity parameter and/or the at least one quality parameter of the liquid analyte material.

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59. (Previously Presented) A method according to claim 58, wherein the electromagnetic signals comprise chemoluminescence, photoluminescence, fluorescence or phosphorescence.

60. (Previously Presented) A method according to claim 58, wherein the sample compartment has a wall part defining an exposing area, the wall part allowing electromagnetic signals from the sample in the compartment to pass through the wall and to be exposed to the exterior.

61. (Previously Presented) A method according to claim 58, wherein the image of the electromagnetic signals is a one-dimensional image.

62. (Previously Presented) A method according to claim 58, wherein the image of the electromagnetic signals is a two-dimensional image.

63. (Previously Presented) A method according to claim 58, wherein the array of detection elements is arranged in such a way that a series of detection elements form a substantially straight line.

64. (Currently Amended) A method according to claim ~~[[6]]~~ 63, wherein the array of detection elements is arranged in two directions in such a way that the detection elements form a series of substantially parallel straight lines, the series forming a rectangle.

65. (Previously Presented) A method according to claim 58, wherein the exposure of the image of electromagnetic signals onto the array of detection elements is performed by focusing an image of electromagnetic signals from at least a part of the exposing domain onto the array of detection elements by means of a focusing means.

66. (Previously Presented) A method according to claim 65, wherein the focusing means is a lens consisting of one or several elements.

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67. (Previously Presented) A method according to claim 58, wherein the individual bacteria the parameter or parameters of which is/are to be assessed are imaged on at the most 5 detection elements.

68. (Previously Presented) A method according to claim 58, wherein the interior of the sample compartment has an average thickness of between 20  $\mu\text{m}$  and 200  $\mu\text{m}$ .

69. (Previously Presented) A method according to claim 58, wherein the sample compartment has dimensions, in a direction substantially parallel to the array of detection elements, in the range between 1 mm by 1 mm and 10 mm by 10 mm.

70. (Previously Presented) A method according to claim 58, wherein the volume of the liquid sample from which electromagnetic radiation is detected on the array is in the range between 0.01  $\mu\text{l}$  and 20  $\mu\text{l}$ .

71. (Previously Presented) A method according to claim 70, wherein the volume of the liquid sample from which electromagnetic radiation is detected on the array is in the range between 0.01  $\mu\text{l}$  and 1  $\mu\text{l}$ .

72. (Previously Presented) A method according to claim 58, wherein the sample in the sample compartment is at stand still during the exposure.

73. (Previously Presented) A method according to claim 58 wherein the sample in the sample compartment is moved through the sample compartment during the exposure, and wherein the exposure is performed over a sufficiently short period of time so substantially obtain stand still condition during the exposure.

74. (Previously Presented) A method according to claim 58, wherein at least a major part of the electromagnetic radiation emitted from the sample during exposure originates from or is caused by electromagnetic radiation supplied to the sample from a light source, at least a major part of the radiation from the light source having a direction which is transverse to the wall of the sample compartment or a plane defined by the compartment.

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75. (Previously Presented) A method according to claim 58, wherein the parameter to be assessed is the number of the bacteria per volume of the liquid analyte material.

76. (Previously Presented) A method according to claim 58, wherein the parameter(s) to be assessed is the size and/or shape of the bacteria in the liquid analyte material.

77. (Previously Presented) A method according to claim 75, wherein the size of the volume of the liquid sample is sufficiently large to allow identification therein of at least 100 of the bacteria.

78. (Previously Presented) A method according to claim 58, comprising

applying a volume of between 0.01  $\mu$ l and 20  $\mu$ l of a liquid sample representing the liquid analyte material, or bacteria isolated from a volume of a liquid sample representing the liquid analyte material, to the sample compartment the sample in the sample compartment being at stand still during the exposure, and in the case where at least a major part of the electromagnetic radiation emitted from the sample during exposure originates from or is caused by electromagnetic radiation supplied to the sample from a light source, then at least a major part of the radiation from the light source having a direction which is transverse to the wall of the sample compartment or a plane defined by the compartment, and

the individual bacteria the parameter or parameters of which is/are to be assessed are imaged on at the most 25 detection elements of the array of detection elements.

79. (Previously Presented) A method according claim 58, wherein the parameter to be assessed is the presence or non-presence of a particular type of bacteria in the liquid analyte material.

80. (Previously Presented) A method according to claim 58, wherein bacteria isolated from a liquid sample representing the analyte are applied to the sample compartment or arranged in the sample compartment, the bacteria being retained on a bacterium retaining means selected from

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means chemically binding the bacteria, means capable of electronically or magnetically retaining the bacteria, and filtering means.

81. (Previously Presented) A method according to claim 58, wherein the signal which is detected by the detecting elements originates from one or several types of molecules of types which bind to, are retained within, or interact with, the bacteria, such molecules being added to the sample or the isolated bacteria before or during exposure, the molecules being molecules giving rise to one or several of the following phenomena: attenuation of electromagnetic radiation, photoluminescence when illuminated with electromagnetic radiation, scatter of electromagnetic radiation, raman scatter.

82. (Previously Presented) A method according to claim 81, wherein an effective amount of one or more nucleic acid dyes and/or one or more potentiometric membrane dyes is added.

83. (Previously Presented) A method according to claim 58, wherein the duration of the exposure is in the range from 100 milliseconds to 5 seconds.

84. (Previously Presented) A method according to claim 83, wherein the duration of the exposure is in the range of 0.5 to 3 seconds.

85. (Previously Presented) A method according to claim 83, wherein the exposure is performed as a single exposure.

86. (Previously Presented) A method according to claim 58, wherein compression of information of the intensities representing distinct objects scattered over an area, an object being represented by a variation in the intensity information

- said information existing in the form of varying degrees of measurable intensity of a physical property distributed over a confined area divided into sub-areas, each of which sub-areas having assigned thereto an index uniquely identifying the sub-area,

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the method comprising

- determining the intensity of the physical property ,
- a) defining a sub-area of interest situated in a group of sub-areas comprising of at least 2x2 sub-areas situated adjacent to each other,
- b) evaluating in said sub-area of interest at least one directional derivative(s) of the measurable intensity in the sub-area of interest with respect to predetermined geometrical direction(s) in the plane of the confined area, the directional derivative(s) is (are) based on measurable intensities in sub-areas situated adjacent to or in proximity of the group of sub-area,
- c) based on the evaluation of the at least one directional derivative an attribute is assigned to the value assigned to said sub-area of interest; the attribute represent an adjusted measurable intensity and/or information(s) related to a predetermined strategy for adjustment of the measurable intensity in the sub-area of interest or sub-areas situated adjacent to or in proximity to the sub-area of interest,
- d) repeating the step a) - c) for substantially all sub-areas of the confined area.

87. (Previously Presented) A method according to claim 58, wherein the correlation comprises:

- identifying and counting substantially all detection elements having intensities which are distinct from background signals,
- adjusting the result of the counting by a predefined scaling value,
- the scaling value being directly related to the number of detection elements representing a signal from a bacterium,
- the result of the scaling being correlated to the number of bacteria represented exposure.

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88. (Previously Presented) A method according to claim 87, where the measured intensities of the detection elements have been adjusted prior to counting, the adjustment comprising the steps of:

- a) defining a range of a predetermined size in a co-ordinate system representing the intensity values of the detection elements, the size of the range being determined such that it is bigger than the representation of a bacterium having an average extension,
- b) choosing a first detection element, the first detection element being one of which the intensity is subject to an adjustment,
- c) positioning the range such that the detection element of which the intensity is to be adjusted is substantially in the centre of the range,
- d) adjusting the intensity of the detection element in the centre of the range based on the result of an investigation of at least one gradient describing the variation of the signal intensities inside the range and around the centre of the range by considering intensities of detection elements describing the gradient,

and repeating the step b) through c) until a predetermined number of detection elements has been adjusted a predetermined number of times.

89. (Previously Presented) A method according to claim 58, wherein the sample compartment from which electromagnetic signals from the sample in the sample compartment can pass to the exterior is adapted to allow the assessment of substantially only one sample of liquid analyte material.

90. (Previously Presented) A method according to claim 89, wherein the sample compartment is connected with a reagent container, the reagent container containing one or several reagent component(s).

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91. (Previously Presented) A method according to claim 90, wherein the reagent container contains one or several reagent component(s) in an amount substantially adequate for substantially only one assessment.